

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 2:11cr3 KS-MTP

CHARLES W. IRBY, JR.

ORDER ON DEFENDANT IRBY'S SECOND MOTION IN LIMINE

This cause is before the Court on Defendant Charles Irby, Jr.'s Second Motion In Limine [67] and Memorandum in support thereof [68]. In his Motion, Mr. Irby seeks to exclude Exhibits 48, 49, 50, 51 and 53 under Rules 401, 402 and 403 of the Federal Rules of Evidence. The documents which are described herein allegedly relate to purchase of several pieces of property in Laurel, Mississippi which occurred outside of the time frame alleged in the alleged tax evasion and the Movant suggests that said documents are irrelevant.

The Court has not, at this time, had the benefit of the supporting testimony necessary to establish relevancy. Nor has the Court had the benefit of the factors necessary to establish undue prejudice or probative value of the proposed exhibits. For that reason the Court at this time denies the Motion In Limine. However, the Court directs the Government, that at the time any or all of the above numbered exhibits are offered into evidence that the Government should alert the Court and a hearing will be conducted outside the presence of the Jury to determine whether said documents are admissible under Rules 401, 402 and 403 of the Federal Rules of Evidence.

SO ORDERED this the 19th day of August, 2011.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE